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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,667	01/13/2006	Ernst Kraenzler	3476	3314
7590 Striker, Stricker & Stenby 103 East Neck Road Huntington, NY 11743				
07/13/2009				
EXAMINER				
GRANT, ALVIN J				
ART UNIT		PAPER NUMBER		
3723				
MAIL DATE		DELIVERY MODE		
07/13/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,667

Applicant(s)

KRAENZLER ET AL.

Examiner

ALVIN J. GRANT

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-5, 7 and 9-30 is/are allowed.
6) ☒ Claim(s) 8 and 31-34 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 4/27/09 has been recorded.

Specification

2. **The abstract** of the disclosure is objected to because of the following discrepancies:

- In line 1, change "Summary" to read, "Abstract".
- In lines 5 and 6, delete "It is provided that.....and 25 mm." and insert the following sentence, beginning in line 4, "The first fastening means is located on a partial circle (54) with a radius (56) of between 12 mm and 25 mm".

Correction is required. See MPEP § 608.01(b).

In the specification:

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- Page 1, lines 4 and 5, delete "according to the definition of the species of claim 1".
- Page 1, line 7, delete "according to the species of claim 11".
- Page 2, line 1, the phrase "sufficient working material" is awkwardly and confusingly worded.
- Page 3, lines 3 and 4, change "with a not-shown motor supported in a housing" to read, "with an electric motor (not shown) supported in the housing".
- Page 3, line 9, change "body 18 - shown in Figure 1- of insertion" to read, "body 18, shown in Figure 1, of insertion".
- Page 3, line 22, change "hub 16 – and with it, entire insertion tool 12 - drops" to read, "hub 16, and with it, entire insertion tool 12, drops."
- Page 5, line 1, the phrase "In tangential direction" is awkwardly and confusingly worded.

Claim Objections

3. **Claims 1, 10-13, 18-27, 33 and 34** are objected to because of the following informalities:

- **Claim 1**, in the penultimate and last lines, "which is intended to alleviate a releasing of the insertion tool" to read, "which facilitates the releasing of the insertion tool".

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- **Claim 10**, lines 2 and 3, change “means (20) – located on a second partial circle – for fastening” to read, “means (20), located on a second partial circle, for fastening”.
- **Claim 11**, lines 23 and 24, change “which is intended to alleviate a releasing of the insertion tool” to read, “which facilitates the releasing of the insertion tool”.
- **Claim 12**, line 7, change “(56)dimensioned” to read, “(56) dimensioned”.
- **Claim 13**, in the last line, change “particular at least” to read, “preferably at least”.
- **Claims 18-27 and 34**, change “radially inward” to read, “radially inner”.
- **Claim 33**, line 2, change “fastening mean” to read, “fastening means”.
- **Claim 34**, change “radially outward” to read, “radially outer”.
- **Claim 34**, line 25, change “outward region” to read, “outer region”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 8 and 31-34** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 8 and 31-33 recite the phrase "tangential direction", which is awkwardly and confusingly worded.

Claim 33, lines 6-7; **and claim 34**, lines 6-7, the phrase "enables use with sufficient working material" is awkwardly and confusingly worded.

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 11, the art of record considered as a whole alone or in combination neither anticipates nor renders obvious an insertion device having a fastening means includes a blocking element that includes a stop provided to limit a releasing motion of the tool and a recess that facilitates the releasing of the tool.

7. **Claims 8, 31 and 32** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. **Claims 33 and 34** would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. **Claims 1-5, 7 and 9-30** are allowed.

Response to Arguments

10. Applicant's arguments see pages 12-16, filed 4/27/09, with respect to newly amended have been fully considered and are persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/

Examiner, Art Unit 3723